

September 22, 2020

**VIA ELECTRONIC MAIL**

The Honorable Sarah L. Cave  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
New York, New York 10007-1312

***Re:                    Damien Vasile v. Long Island Railroad Company et al***  
***Case No.: 1:17-cv-09623-LLS***

Dear Judge Cave:

Our firm represents defendant National Railroad Passenger Corporation “Amtrak” in the above-captioned matter. All parties respectfully submit this Joint Request for Modification of the Scheduling Order in the matter.

**Case Status**

On July 30, 2020, the Court issued a Scheduling Order in which the close of fact discovery in this matter was scheduled for September 30, 2020. That modification of the Scheduling order was granted by the Court at the Parties joint request, which was occasioned by the impact of COVID shutdown and resulting difficulty of identifying and locating discoverable materials, and scheduling necessary depositions. Since the Court’s issuance of the last Scheduling Order, the Parties have continued to work collaboratively to complete discovery and depositions. However, the Parties have been unable to complete all necessary fact discovery at this time.

Specifically, Amtrak and Plaintiff are in the process of resolving outstanding issues with regard to written discovery and scheduling remaining fact depositions. Most recently, Amtrak and Plaintiff have come to an agreement with regard to the production of data relating to prior incidents and/or claims, obviating the need for discovery motions on the issue. Furthermore, Amtrak has identified a Corporate Representative (Steven Illich, Director of System Safety) to testify in response to Plaintiff’s Notice regarding safety issues, and the Parties anticipate conducting that deposition on October 15, 2020. In addition, Amtrak and Plaintiff are continuing to work through any remaining discovery issues relating to Plaintiff’s initial and post-EBT Requests for Production of Documents. The Parties anticipate that these issues will be resolved and any further production completed by October 7, 2020.

**Joint Request for Modification of the Scheduling Order**

As detailed above, the Parties require additional time to complete written discovery and fact witness depositions in this matter. Consequently, while the Parties continue to work diligently and in a cooperative fashion to complete all remaining fact discovery, all Parties agree that an extension of thirty (30) days will best enable the Parties to do so.

Additionally, in light of the Parties' request for modification of the Scheduling Order the Parties respectfully request that the Settlement Conference presently scheduled for October 22, 2020 be rescheduled to a date after the close of fact discovery. Doing so will enable the Parties to complete necessary fact discovery in order to ensure that any Settlement Conference is as productive as possible.

Wherefore the Parties respectfully request that the existing Scheduling Order be modified as follows:

<b><u>Event</u></b>	<b><u>Current Deadline</u></b>	<b><u>Proposed Deadline</u></b>
Close of Fact Discovery	September 30, 2020	October 31, 2020
Settlement Conference	October 22, 2020	TBD
Plaintiff's Expert Disclosures	September 8, 2020	December 8, 2020
Defendant's Expert Disclosures	October 29, 2020	January 31, 2020
Dispositive Motions Deadline	January 14, 2020 <sup>1</sup>	April 15, 2021
Submission of Pre-Trial Order	February 15, 2021	May 15, 2021

All parties consent to and join in this request, and no party will be prejudiced by the requested actions. The Parties thank the Court for its consideration of the above.

Respectfully submitted,

/s/

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The parties' joint Letter-Motion (ECF No. 101) is GRANTED. Fact discovery closes **Monday, November 2, 2020**. Plaintiff's expert disclosures are due by **Tuesday, December 8, 2020**. Defendants' expert disclosures are due by **Monday, February 1, 2021**. The parties' dispositive motions deadline is extended to **Thursday, April 15, 2021**. The parties' joint pretrial order is due by **Monday, May 17, 2021**. **The parties should not expect to be afforded any additional extensions.**

A Telephone Conference is scheduled for **Monday, October 26, 2020, at 3:00 pm**, regarding the status of discovery. The parties' Settlement Conference is adjourned to **Tuesday, November 24, 2020, at 2:00 pm**, with settlement submissions due by **Wednesday, November 18, 2020**. For both conferences, parties are directed to call the Court's conference line at the scheduled time: 866-390-1828, access code 3809799. All parties who intend to speak during the call must use a landline or phone with equivalent quality.

The Clerk of Court is respectfully directed to close ECF No. 101.

SO-ORDERED 9/23/2020

  
SARAH L. CAVE  
United States Magistrate Judge